

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

TRACY WATTS,)	
)	
Plaintiff)	
)	
vs.)	Civil Action No. 07-824
)	Judge Arthur J. Schwab/
ROBERT TRETINIK, Health Care)	Magistrate Judge Amy Reynolds Hay
Administrator; DR. MICHAEL HERBICK,)	
Doctor; CHRIS MEYERS, (P.A.),)	
Defendants)	

ORDER

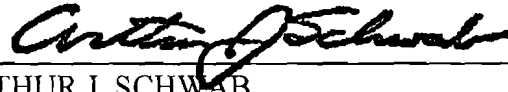
AND NOW, this 16th day of September, 2008, after the Plaintiff, Tracy Watts, filed an action in the above-captioned case, and after motions to dismiss were filed by Defendants, and after a Report and Recommendation was filed by the United States Magistrate Judge giving the plaintiff until September 12, 2008 to file written objections thereto, and plaintiff having filed objections to the report and recommendation on September 15, 2008, and upon independent review of the record, and upon consideration of the Magistrate Judge's Report and Recommendation, which is adopted as the opinion of this Court,

IT IS HEREBY ORDERED that Defendant Tretinik's motion to dismiss filed by Defendant Robert Tretinik ("Tretinik"), Dkt. [35], is granted and the complaint is dismissed against him for failure to state a claim upon which relief can be granted.

IT IS FURTHER ORDERED that the motion to dismiss filed by Defendants Dr. Michael Herbick and Physician Assistant Chris Meyers (collectively "the Medical Defendants"), Dkt. [45], is granted in part and denied in part. It is granted as to all claims except it is denied as

to Plaintiff's Eighth Amendment claims.

IT IS FURTHER ORDERED that, pursuant to Rule 4(a)(1) of the Federal Rules of Appellate Procedure, if the parties desire to appeal from this Order they must do so within thirty (30) days by filing a notice of appeal as provided in Rule 3, Fed.R.App.P.



ARTHUR J. SCHWAB
United States District Judge

cc: Honorable Amy Reynolds Hay
United States Magistrate Judge

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